

REMARKS

Claims 1, 3-5, 7-9 and 11-19 are pending in the application, and claims 1-3, 7, 8, 11-15, 17 and 18 stand rejected. Claim 12 is canceled herein.

Claim Objections

The claims stand objected to for various language informalities, all of which have been addressed herein by the appended claim amendments in accordance with the Examiner's suggestions. Applicant thus submits that these objections are now moot.

Rejection under 35 U.S.C §112

Claims 1 and 3 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner objects to the recitation of "said predetermined condition is at least partially based on the probability of usage of the item as assessed from a determination of the probability of usage of that or other items," finding that it is not clear how the probability of usage is assessed from the determination of the probability of usage of the item. With all due respect, Applicant believes that this could not be any clearer: determining the probability results in just that – the probability. Thus performing the task of "determination of the probability of usage of the item" will produce the probability itself. However, Applicant believes that the Examiner may have misunderstood the gist of claim 3, which intends to convey that the probability of usage of the item can be assessed either by a determination of the probability of usage of the item itself or by determination of the probability of usage of *other* items. Applicant thus respectfully requests the Examiner to reconsider the claims in light of these comments and kindly withdraw this rejection.

Claims 3-5, 7-9 and 11-20 also stand rejected under 35 U.S.C. 112 for various antecedent basis errors. Applicant has amended these claims to address the majority of these errors, and submits that these rejections are now moot. However, with respect to claim 4, Applicant disagrees that "the time elapsed since the item was last accessed by the user" needs antecedent

basis. There is only one possible meaning of “time” and the bounds of “the time lapsed” are clearly defined as “since the item was last accessed by the user.” Thus, Applicant submits that claim 4 does not contain a lack of antecedent basis error. Similarly, with respect to claim 7, Applicant submits that it is inherent that a sampled media stream has a sample rate and is sampled at a given number of bits, and that an image has a resolution. As for claim 9, Applicant does not understand why the recitations of “an item,” “a user,” “a cache,” “a degraded form” and “an un-degraded version” require antecedent basis, when these limitations are clearly being introduced for the first time, and submits that these are not in fact lack of antecedent basis errors.

Rejection under 35 U.S.C §103

Claims 1, 4-5, 8, 11-12, 14-15 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication 2003/0060973 to Mathews or U.S. Pat. No. 6,452,544 to Hakala in view of U.S. Pat. No. 6,324,621 to Singh. In particular, the Examiner finds that, with respect to claims 1 and 11, Mathews and Hakala teach all claimed limitations with the exception of degrading the item stored in cache, that Singh teaches precisely this limitation including degrading the item upon a predetermined condition, and opines that it would have been obvious to the skilled person to utilize compression and decompression of cache lines as taught by Singh in the system of Mathews or Hakala in order to improve cache’s size and performance of the system. Applicant respectfully disagrees.

Contrary to the Examiner’s assertion, Applicant notes that Singh does not teach degrading the received item upon a predetermined condition concerning the received item and/or the mobile device becoming satisfied. The Examiner points to Singh’s use of a least recently used (LRU) algorithm as support for his assertion. However, what Singh uses the LRU for is to move the least recently used data from the uncompressed L3 cache to the compressed L4 cache every time that new data is added to the L3 uncompressed cache. Thus, this differs significantly from claim 1 because adding new data is not a predetermined condition concerning the received item nor the mobile device (or whatever device Singh contemplates using this invention in). As will be appreciated by the Examiner, new data is likely added to the L3 uncompressed cache every time the processor served by the cache executes an instruction, and thus the adding of new

data to the L3 uncompressed cache can hardly be understood as constituting the satisfaction of any condition, much less of a condition having any connection to previously received data (the “received item”) or to the device itself (an example of this given in the specification - and noted here solely for ease of understanding - is cache free space).

In view of the above, Applicant respectfully encourages the Examiner to reconsider the art in light of the amended claims and allow claims 1 and 11.

Claims 3-5 and 7-8 depend from claim 1, and claims 13-19 depend from claim 11. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicant submits that claims 3-5, 7-8 and 13-19 are also allowable.

Applicant acknowledges with gratitude the Examiner’s indication of allowability as to claims 9, 16 and 19 but, as fully explained above, Applicant believes that all claims are allowable.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicant submits that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

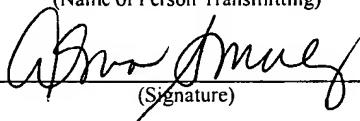
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(Date of Transmission)

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(Name of Person Transmitting)



(Signature)

12/8/06

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Respectfully submitted,



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